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22 Co-Lead Counsel for Plaintiffs

23 UNITED STATES DISTRICT COURT
24
25 NORTHERN DISTRICT OF CALIFORNIA
26
27 OAKLAND DIVISION

28 In re ACCURAY INC. SECURITIES
LITIGATION

) Master File No. 4:09-cv-03362-CW

)
) CLASS ACTION

)
) This Document Relates To:

) ALL ACTIONS.

) STIPULATION AND ORDER CHANGING
) TIME FOR FILING LEAD PLAINTIFF'S
) CONSOLIDATED COMPLAINT AND
) SETTING BRIEFING SCHEDULE ON
) MOTION TO DISMISS **AS MODIFIED**

1 WHEREAS, on September 21, 2009, multiple lead plaintiff movants filed motions to
2 consolidate and motions for the appointment of lead plaintiff and their respective selections of lead
3 counsel (Dkt. Nos. 10, 19, 21);

4 WHEREAS, on September 22, 2009, plaintiffs that filed complaints and defendants filed a
5 Stipulation and [Proposed] Order Regarding Consolidation of Securities Class Actions and Schedule
6 (Dkt. No. 29);

7 WHEREAS, on October 7, 2009, the Court entered a Stipulation and Order Regarding
8 Consolidation of Securities Class Actions and Schedule ("October 7, 2009 Order") (Dkt. No. 42);

9 WHEREAS, the October 7, 2009 Order set a schedule requiring lead plaintiff to file a
10 consolidated complaint 60 days after a court order appointing lead plaintiff (*id.* at 3) and defendants
11 to file responsive papers 60 days thereafter (*id.*);

12 WHEREAS, on October 26, 2009, the Court issued an Order Consolidating Cases,
13 Appointing the Accuray Investor Group as Lead Plaintiff, and Approving Lead Plaintiff's Selection
14 of Counsel ("October 26, 2009 Order") (Dkt. No. 48);

15 WHEREAS, the October 26, 2009 Order set forth a schedule for the filing of lead plaintiff's
16 consolidated complaint 20 days after the October 26, 2009 Order, and the filing of defendants'
17 response or answer 20 days after the filing of a consolidated complaint;

18 WHEREAS, because the October 7, 2009 Order and the October 26, 2009 Order appear
19 inconsistent with respect to scheduling the filing of the consolidated complaint, and in light of
20 upcoming holiday schedules, the parties have met and conferred and agreed to extend the dates for
21 filing of the consolidated complaint and the parties' respective responsive papers;

22 WHEREAS, the parties have agreed, subject to the approval of the Court, that lead plaintiff's
23 consolidated complaint shall be filed no later than December 10, 2009, defendants' response shall be
24 filed no later than February 1, 2010, lead plaintiff's opposition to the motion to dismiss shall be filed
25 no later than March 19, 2010 and defendants' reply shall be filed no later than April 9, 2010.

26 WHEREAS, the proposed schedule will not cause undue delay and will not change the
27 April 13, 2010 case management conference previously set by the Court.

1 NOW THEREFORE, it is stipulated and agreed:

- 2 1. Lead plaintiff shall file a consolidated complaint no later than December 10, 2009;
- 3 2. Defendants shall file their responsive pleading no later than February 1, 2010;
- 4 3. Lead plaintiff shall file its opposition to the motion to dismiss no later than March 19,
- 5 2010; and
- 6 4. Defendants shall file their reply no later than April 9, 2010.

7 DATED: October 30, 2009

COUGHLIN STOIA GELLER
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SHAWN A. WILLIAMS
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10 /s/

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20 DATED: October 30, 2009

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25 /s/

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Attorneys for Defendants Accuray Incorporated,
Euan S. Thomson, Robert E. McNamara, Wade
B. Hampton, Ted Tu, Wayne Wu, John R. Adler,
Jr., and Robert S. Weiss

I, Shawn A. Williams, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Changing Time for Filing Lead Plaintiff's Consolidated Complaint
and Setting Briefing Schedule on Motion to Dismiss. In compliance with General Order No. 45,
X.B., I hereby attest that Diane M. Walters has concurred in this filing.

/s/
SHAWN A. WILLIAMS

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, **EXCEPT THE CASE
MANAGEMENT CONFERENCE IS CONTINUED TO 4/29/10 AT 2:00 P.M.**

DATED: _11/2/09_


THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 30, 2009.

/s/

SHAWN A. WILLIAMS

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